

1 JOHN B. SULLIVAN (State Bar No. 96742)  
jbs@severson.com  
2 ERIK KEMP (State Bar No. 246196)  
ek@severson.com  
3 MARY KATE KAMKA (State Bar No. 282911)  
mkk@severson.com  
4 SEVERSON & WERSON  
A Professional Corporation  
5 One Embarcadero Center, Suite 2600  
San Francisco, California 94111  
6 Telephone: (415) 398-3344  
Facsimile: (415) 956-0439

7 Attorneys for Defendant  
8 NATIONSTAR MORTGAGE, LLC  
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10 UNITED STATES DISTRICT COURT  
11 SOUTHERN DISTRICT OF CALIFORNIA  
12

13 MICHAEL PEMBERTON and  
SANDRA COLLINS-PEMBERTON,  
14 individually, and on behalf of the class  
of all others similarly situated,

15 Plaintiffs,

16 vs.

17 NATIONSTAR MORTGAGE LLC, a  
18 Federal Savings Bank,

19 Defendant.  
20  
21  
22

Case No. 3:14-cv-01024 BAS WVG

**NATIONSTAR MORTGAGE LLC'S  
NOTICE OF MOTION TO DISMISS  
FOR LACK OF SUBJECT  
MATTER JURISDICTION**

Date: June 26, 2017

Time: n/a

Crtrm.: 4B

Judge: Hon. Cynthia Bashant

**NO ORAL ARGUMENT UNLESS  
REQUESTED BY THE COURT**

Action Filed: April 23, 2014

23  
24 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

25 **PLEASE TAKE NOTICE** that on **June 26, 2017**, or as soon thereafter as  
26 the matter may be heard, in Courtroom 4B of the above-entitled Court, located at  
27 221 West Broadway, San Diego, California 92101, defendant Nationstar Mortgage  
28 LLC will and hereby does move for an order dismissing plaintiffs Michael

1 Pemberton and Sandra Collins-Pemberton's first amended complaint for lack of  
2 subject matter jurisdiction.

3 The motion to dismiss is made under Rule 12(b)(1) of the Federal Rules of  
4 Civil Procedure and is based on the ground that the court lacks subject matter  
5 jurisdiction because the first amended complaint fails to allege a basis for Article III  
6 standing.

7 This motion is based on this notice of motion and motion, the accompanying  
8 memorandum of points and authorities, the previously filed request for judicial  
9 notice in support of Nationstar's motion to dismiss the original complaint, the first  
10 amended complaint and all other pleadings and records on file in this action, and  
11 upon such other argument as may be presented at any hearing on this motion.

12 This motion is made following the conference of counsel that took place on  
13 May 15, 2017.

14 DATED: May 22, 2017

SEVERSON & WERSON  
A Professional Corporation

17 By: /s/ Erik Kemp  
18 Erik Kemp

19 Attorneys for Defendant NATIONSTAR  
20 MORTGAGE, LLC  
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